

QUESTIONS AND RESPONSES # 1  
PROJECT NO. F10R4200149

**TESTING FOR ILLEGAL USE OF DRUGS BY APPLICANTS AND EMPLOYEES FOR THE STATE OF MARYLAND**

April 29, 2004

Ladies/Gentlemen:

This List of Questions and Responses #1 is being issued to clarify certain information contained in the above named IFB. The statements and interpretations of contract requirements, which are stated in the following questions of potential Bidders, are not binding on the State, unless the State expressly amends the IFB. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require.

**1. Question:** **If we need to sub-contract, where would we indicate that information in the bid?**

Answer: Section 1.15 of the IFB (Bidder Responsibilities) states that sub-contractors must be identified and a complete description of their role must be provided. Section 3.4.3 requires an organization plan delineating the relationship between the prime contractor and all sub-contractors. Sections 3.5 G. & 3.6 M require information on sub-contractors being proposed for the collection and laboratory contracts, respectively. It is also helpful if a cover letter is included with the bid including a brief description of how you're going to use a sub-contractor to perform the job..

**2. Question:** **Will we be notified that we made the cut (i.e. Technical Offer was found to be acceptable)?**

Answer: Yes

**3. Question:** **Where is the Public Bid Opening?**

Answer: 45 Calvert Street, Annapolis, MD on May 13,2004 at 2:30 pm (see Section 1.21 of the IFB)

**4. Question:** **With the annual projections, in previous contracts...they typically have a budget set aside for that and there have been occasions where it's run over the budget and we had to notify them that they need to put in an addendum for additional funds in the budget. Will we be responsible for the same thing with this type of contract?**

Answer: This is a Fixed Unit Price-Indefinite Quantity contract. The contract will be awarded with an "estimated not to exceed" amount. The Contractor will be paid based on the unit prices. If a point is reached where the quantity of services ordered causes the actual expenditures to approach the not-to-exceed amount, then the State will need to request additional funding for the contract. The State's Contract Monitor will be tracking the expenditures on the contract.

**5. Question:** **Could there be a possible delay in payment because we've exceeded that limit?**

Answer: No. The State will be monitoring the contract expenditures. If the contract approaches the "not to exceed" limit the State will have to either authorize additional funds for the contract or stop work under the contract.

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**6. Question:** **If we do “partner” where would we indicate that, a cover letter or transmittal form?**

Answer: If by “partnering” you mean using a sub-contractor, then see Question #1 above. If you are proposing some other form of collaborative effort between two or more firms, it must be a single entity that submits the bid, enters into the contract with the State and is responsible for the performance of all work. A cover letter explaining the overall concept of what you’re doing or how you’re proceeding is helpful, but the bidder must comply with all requirements in the IFB specifications.

**7. Question:** **Is the travel on the Price Bid sheets only for the second piece of the business (the lab vendor), or are there travel considerations in the collection portion also?**

Answer: The section you are referring to about travel specifically applies to the Expert Witness Testimony. It does not apply to actual collection activities. There is no separate travel expense paid for collection activities. Bidders are required to provide a fixed price per collection that is a fully-loaded price which incorporates all costs associated with providing the required collection services, including travel expenses. There are provisions for reimbursement for Expert Witness Testimony in both the Collection and Laboratory sections.

**8. Question:** **If awarded the contract and throughout the duration of the contract, if we provide additional collectors, do we send in the resume for that particular collector as we bring on additional collectors?**

Answer: Yes. The IFB Section 2.3.A.1 requires that all collectors, for the duration of the contract, meet the training requirements specified in 40.33 of 49 CFR Part 40 and that new/replacement collectors meet the background check requirements. The Contract Monitor will have the right to request any necessary documentation to confirm these qualifications.

**9. Question:** **Are the facilities capable of following the collection guidelines? Are they “stand alone” facilities?**

Answer: The Collection Sites are aware of the basic requirements for specimen collection activities. If a collector arrives at a site and is dissatisfied with the facility and doesn’t believe they can properly perform the collection in accordance with the SAMHSA guidelines, then the State’s ATR and/or Contract Monitor should be immediately informed. Information as to whether each site is a “stand-alone” facility is not available.

**10. Question:** **I know at any given time the collections could be at any of the different locations. However, I know in the past the majority of them were done at Centralized Hiring Unit on Reisterstown Road -- is that still going to continue?**

Answer: Yes, this will probably continue. This location is the Public Safety Headquarters in Baltimore City where the Department of Public Safety and Correctional Services (DPSCS) trains all of the correctional officer candidates they are about to hire. The candidates are there for training and they often do the drug testing at the same time. They do the majority of them at this location but any of the sites can be used. There may be situations where different sites are used for different reasons on an exceptional basis.

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- 11. Question:** On the 24-hour notice and 6-hour notice collections, can you give us a breakdown as to the percentage of tests and how often you utilize these services?  
**Answer:** Over the past 5 years of the contract, we requested Urgent (24-hour notice) collections 17 times in 2002 and 13 times in 2003. We did not request any Emergency (6-hour notice) collections in the past 5 years.
- 12. Question:** Is the Agency Appropriation Code something that is already designated by the State?  
**Answer:** Yes
- 13. Question:** Do you have the Agency Appropriation Codes pre-printed on your Chains of Custody form?  
**Answer:** No. It is recorded on the Chain of Custody form by the Agency Technical Representative (ATR) at the time a test is ordered.
- 14. Question:** What is the format of the Agency Appropriation Code? How many are there?  
**Answer:** The agency appropriation code is a 6-digit number. There are approximately 280 Agency Appropriation Codes.
- 15. Question:** For billing purposes, there's a portion in the contract stating you must have a barcode. Does that pertain to the Laboratory services...not the Collection services?  
**Answer:** Correct
- 16. Question:** On your emergency testing you indicated one a year last year on average. What would be the reason for that testing.....and the collector would need to respond within 6 hours? I understand that you defined "Reasonable Suspicion" and "Post Accident" under your "urgent" testing.  
**Answer:** This was requested by DPSCS and they want to have that option available to them if ever needed. They also do ION scans on their employees coming into the facilities. They want to have the ability to call someone in immediately to have the drug test performed. Although DPSCS would be the most likely agency to use this service, any State agency could order it.
- 17. Question:** On the requirements on the IT portion, is a lot of that more relevant to the laboratories than the collectors -- just because there seems to be an awful lot as far as the firewalls and things of that sort  
**Answer:** Yes, the IT requirements are more relevant to the laboratories than the collectors. The IT specifications are contained in Section 2.3 B of the IFB which is the Scope of Work for the FTDTL Services.
- 18. Question:** Is there a particular software, whether designed internally or externally, that the State is working with to maintain documentation of the results?  
**Answer:** It is an MS Access file that holds the information/data captured regarding the results of tests.

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- 19. Question:** You indicate that web reporting or internet reporting is important for the drug test result. In the case of a “positive” you want that to be reported by internet. In the case that it cannot be reported through the internet, you indicate that the results should be overnighted on a CD. Is it possible to do a dual-type reporting if the internet should falter, would an alternative method be to fax all results, both negative and positive? Or, is it critical that it be on a CD?
- Answer: The specifications of the IFB require the information to be transmitted on a CD. If some unusual situation should occur during the contract where Fax or other means of transmittal would be appropriate and acceptable to the State, the Contract Monitor would have the authority to approve such an alternative method.
- 20. Question:** With regard to the legal aspects of the contract, every time I send a contract for review, revisions always come back. Would it be possible to submit that prior to the due date to indicate “you’re dreaming” or “yes, we’ll consider this” “or this change or that change” in the event that we would get awarded, so that if we’re awarded the contract, then the contract could just get signed and there would be no headaches? If I were to send it in for review and revisions came back prior to the due date, would I have the option of asking if these revisions can be considered?
- Answer: It is recommended that vendors submit the State’s contract contained in the IFB (Attachment A) to their legal counsel for review as early as possible to avoid last minute problems at the time of notification of recommendation for contract award. Vendors are warned that exceptions to the terms and conditions of the State contract may result in having the bid deemed unacceptable
- 21. Question:** With regard to the list of current Drug Testing Collection Sites, there’s no changing the list, right?
- Answer: We tried to make sure we are geographically disbursed in terms of facilities that could accommodate drug testing for the required number of employees. At the end of the List of Collection Sites-Attachment G to the IFB is a statement that the State reserves the right to designate additional sites as needed.
- 22. Question:** Does the vendor reimburse the third party?
- Answer: The Collection Contractor does not have to pay to use the State designated Collection Sites in Attachment G of the IFB..
- 23. Question:** In other words, the Collector would be going to any one of these locations at any time to do actual collections?
- Answer: Yes. The Agency Technical Representative (ATR) will call the Collection Contractor and specify the collection site, number of persons to be tested, etc.. The Collection Contractor will send a collector to the specified collection site and do the collection in accordance with the SAMHSA guidelines.
- 24. Question:** So it is mobile? There are set collectors at each one of these locations?
- Answer: The Collection Sites specified in the IFB have facilities suitable for conducting collection activities. The Collection Contractor will send a collector to the specified site to conduct the collection of specimens.

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- 25. Question:** **Say we were to use the Baltimore County Health Department. Who is responsible for making sure they have the proper facilities for us to go in and do the collections?**
- Answer:** The Collection Sites are aware of the basic requirements for specimen collection activities. If a collector arrives at a site and is dissatisfied with the facility and doesn't believe they can properly perform the collection in accordance with the SAMHSA guidelines, then the State's ATR and/or Contract Monitor should be immediately informed.
- 26. Question:** **Will your employees have your forms, the actual Chain of Custody form with them?**
- Answer:** There is an Agency Technical Representative (ATR) for each State agency who monitors the drug testing program for that agency. The ATR would call the Collection Contractor to schedule the collections. They would have the HIPAA form and a Controlled Dangerous Substance test order advising the employee that they need to report for the test. With regard to the Chain of Custody form, Bidders are required to provide a sample with their Bid. After Contract award and adoption/acceptance of this form, the ATR will fill-out the top part indicating the employee's name, what kind of test, the Agency Appropriation Code, and other information needed by the State to track it appropriately. The employee/applicant will bring that form with them to the collection site. There will be an ATR present at the site for each collection.
- 27. Question:** **With regard to "shy bladder" what would be the wait time on that?**
- Answer:** The Collection Contractor must comply with the SAMHSA guidelines.
- 28. Question:** **On the invoice, from a laboratory standpoint, you request that the actual collection site be listed on the invoice and the actual test performed. From a logistics standpoint, how would we put that on our invoice-where the collections take place? That's difficult.**
- Answer:** The ATR would have filled-in that information on the top of the Chain of Custody form at the time the test was requested. The collection site location is coded with the same four-digit number that appears on the List of Collection Site in the IFB. It's just another field that would be added to your invoicing,
- 29. Question:** **Is that what you're currently getting from your current laboratory you are working with....they are able to put that on the invoice?**
- Answer:** Yes
- 30. Question:** **There are two separate vendors)...one for Collections and one for Lab....two different parties. Does the lab have to provide on their lab bill, the collection site?**
- Answer:** Yes, identification of the collection site on the Lab bill is required. The collection site will be recorded on the Chain of Custody form by the State's Agency Technical Representative (ATR) when the test is ordered.

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- 31. Question:** Then on the reverse of that, for those that bid the Collection piece only, they are going to do the collection piece and the billing, they will also identify it on there?
- Answer: Yes
- 32. Question:** Do you have any type of breakdown as to how often collections are done weekly...for the month?
- Answer: The total number of tests done per year broken down by collection site is attached in the table "Historical # of Collections at Each Designated Collection Site" attached at the end of these Q&A's. A breakdown of the number of collections done per week or per month is not available.
- 33. Question:** For clarification purposes, you have your own State MRO who will be reviewing the results? The results then would be forwarded to your MRO?
- Answer: Yes. The results come to the State's Contract Monitor who then communicates with the State's MRO.
- 34. Question:** When we perform collections at the client site, there are several things we cannot control that can dramatically affect the cost of providing services; namely, people are not always able to provide a specimen in a timely manner, people do not always provide adequate quantity of urine the first try; people do not show or are late arriving at the collection site. Secondly, people provide cold specimens or, in the collector's judgment, specimens that have been tampered with. How can we protect ourselves since these events can have a dramatic affect on the time and therefore costs associated with providing the services requested? Or is it your position that these costs should in some way be factored into the "fixed" costs requested?
- Answer: The State is requiring that collections be conducted at the Collection Sites specified in the IFB. The State is also requiring bidders to provide a fixed price per collection that should be a fully-loaded price which incorporates all costs associated with providing the required collection services.
- 35. Question:** The IFB does not address alcohol use, the number one drug of abuse affecting employees and the more significant cost impact on employers, greater than illegal drugs. If you have a vendor come to your locations, they can also administer a breath alcohol test.
- Answer: Bidders must submit their bids in conformance with the specifications as stated in the IFB. This IFB is only for drug testing; it does not include alcohol testing.
- 36. Question:** Who is the current contractor for drug testing?
- Answer: The current contractor is PharmChem Laboratories, Inc. for both the Specimen Collection and Laboratory Testing contracts.

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**37. Question:     Are split collection containers required for all collections?**

Answer: No. Since the State is not doing split specimens, the specimen is not split into two samples and split collection containers are not required.

**38. Question:     The IFB lists 83 collection locations. How many specimens come from each location?**

Answer: The number of collections at each collection site varies. During the past 5 years some sites were used for only one collection while some sites were used for over 6,000 collections. (See list “Historical # of Collections at Each Designated Collection Site” attached at the end of these Q&A’s for historical data.)

**39. Question:     Should we expect specimens from each location daily? Weekly?**

Answer: You should not expect to travel to each location on a daily or even a weekly basis. The needs of the agency will dictate how many collections are required at any given site at any given time.

**40. Question:     May I have the current pricing for collections; the prices paid to the current vendor for all services requested under the contract; a copy of price bids for last contract?**

Answer: Here are the current prices paid under the existing drug testing contract:

Collection Contract

- Regular Collection \$ 17.60
- Urgent Collection \$ 27.70
- Emergency Collection \$ 41.04
- Hourly Rate for Testimony/Preparation \$ 128.25

Laboratory Contract

- EMIT Screening \$ 8.41
- GC/MS Confirmation \$ 22.37
- Hourly Rate for Testimony/Preparation \$ 128.25
- Travel Expenses (per person/per day) \$ 205.20
- Transportation Costs (per person/round trip) \$ 513.01

**41. Question:     Are there any overnight or shipping fees associated with your current vendor aside from the testing fee that you provided in our meeting? In other words is shipping included in your current fee?**

Answer: For the collection contractor, all postage and shipping fees related to information submitted to the State, including forms, reports, etc., shall be paid by the collection contractor. This excludes postage or shipping fees related to the transportation of the urine specimens, which is the responsibility of the laboratory contractor. There are no separate shipping fees paid to the laboratory contractor. The State is requiring bidders to provide a fixed price per test that should be a fully-loaded price which incorporates all costs associated with providing the required laboratory services.

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**42. Question:** **Is there a minimum volume requirement for employees that will need collections or can it be a single collection at any given time?**

Answer: No, there is no minimum volume requirement. Agencies may request a single collection at any given time.

**43. Question:** **Is the program for pre-employment and random testing?**

Answer: Yes. The drug tests are conducted in the following 7 different situations:

- Random
- Reasonable suspicion
- Pre-employment
- Incident triggered
- Disclosure of participation in rehabilitation program
- Disclosure of arrest for controlled dangerous substance offense
- Following rehabilitation

**44. Question:** **Is the State responsible for the random pool?**

Answer: Yes

**45. Question:** **In Section B. Scope of Work for Drug Testing, Item #3 (Confirmation Testing Cutoff Levels), only five (5) Barbiturates are listed. Are these the only five (5) Barbiturates that the State is looking for in this panel?**

Answer: Yes

**46. Question:** **In Section B., Item #3, only three (3) Benzodiazepines are listed. Are these the only three (3) Benzodiazepines that the State is looking for in this panel?**

Answer: Yes



**HISTORICAL # OF COLLECTIONS AT EACH DESIGNATED COLLECTION SITE**

| <u>Collection Site</u>    | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <b><u>Total</u></b> |
|---------------------------|-------------|-------------|-------------|-------------|-------------|---------------------|
| Allegheny Co HD - 0001    | 23          | 40          | 89          | 71          | 0           | 223                 |
| AA County HD – 0002       | 32          | 53          | 15          | 1           | 0           | 101                 |
| Carroll Co HD – 0005      | 0           | 0           | 1           | 0           | 0           | 1                   |
| Charles Co HD – 0007      | 0           | 12          | 0           | 11          | 0           | 23                  |
| Dorchester Co HD – 0008   | 5           | 10          | 4           | 3           | 0           | 22                  |
| Frederick Co HD – 0009    | 0           | 22          | 0           | 8           | 0           | 30                  |
| Harford Co HD – 0011      | 3           | 0           | 3           | 0           | 0           | 6                   |
| Spring Grove Hosp – 0015  | 17          | 99          | 0           | 47          | 8           | 171                 |
| Somerset Co HD – 0016     | 5           | 1           | 0           | 1           | 0           | 7                   |
| Washington Co HD – 0018   | 25          | 34          | 36          | 43          | 0           | 138                 |
| Worcester Co HD – 0020    | 0           | 1           | 0           | 0           | 0           | 1                   |
| Frederick Co HD – 0025    | 0           | 3           | 21          | 17          | 0           | 41                  |
| Q A Co HD – 0030          | 0           | 0           | 0           | 1           | 0           | 1                   |
| MD Port Admin – 0033      | 1           | 0           | 1           | 0           | 0           | 2                   |
| Morgan State – 0035       | 15          | 17          | 20          | 1           | 0           | 53                  |
| Div of Voc Rehab – 0036   | 3           | 1           | 2           | 1           | 0           | 7                   |
| Salisbury Dist Ct - 0037  | 130         | 0           | 0           | 130         | 0           | 260                 |
| Cheltenham YF – 0038      | 15          | 0           | 3           | 0           | 0           | 18                  |
| Calvert Co Library – 0039 | 14          | 13          | 2           | 0           | 0           | 29                  |

| <u>Collection Site</u>    | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <b><u>Total</u></b> |
|---------------------------|-------------|-------------|-------------|-------------|-------------|---------------------|
| Noyes Center – 0040       | 15          | 10          | 8           | 11          | 1           | 45                  |
| Eastern Shore – 0043      | 23          | 47          | 34          | 38          | 0           | 142                 |
| Central Hiring – 0050     | 1540        | 962         | 2220        | 1804        | 387         | 6913                |
| School for Deaf – 0051    | 3           | 5           | 0           | 5           | 0           | 13                  |
| Peninsula Gen – 0054      | 106         | 106         | 84          | 131         | 2           | 429                 |
| Salisbury MC – 0055       | 0           | 1           | 0           | 1           | 0           | 2                   |
| Springfield Hosp – 0057   | 60          | 56          | 39          | 113         | 0           | 268                 |
| Upper Shore MHC – 0062    | 8           | 21          | 0           | 3           | 0           | 32                  |
| Western MD Ctr – 0063     | 10          | 16          | 11          | 26          | 0           | 63                  |
| MD State Police – 0068    | 87          | 165         | 581         | 792         | 0           | 1625                |
| MD Rehab Center – 0069    | 0           | 1           | 21          | 29          | 0           | 51                  |
| Parole & Probation – 0070 | 163         | 140         | 159         | 162         | 37          | 661                 |
| Public Safety – 0071      | 346         | 1994        | 177         | 221         | 0           | 2738                |
| Pre-Trial – 0074          | 1           | 0           | 0           | 0           | 0           | 1                   |
| Finan Center – 0076       | 19          | 38          | 24          | 44          | 2           | 127                 |
| Eastern Corr – 0077       | 330         | 354         | 208         | 193         | 19          | 1104                |
| Somerset Co Off – 0078    | 0           | 5           | 0           | 0           | 0           | 5                   |
| MCI-Hagerstown – 0082     | 51          | 0           | 51          | 0           | 0           | 102                 |
| Public Broadcast – 0084   | 39          | 28          | 59          | 15          | 0           | 141                 |

|                        |    |     |    |    |   |     |
|------------------------|----|-----|----|----|---|-----|
| DLLR – 0085            | 55 | 130 | 94 | 22 | 0 | 301 |
| MSP – A Barrack – 0087 | 14 | 13  | 18 | 10 | 0 | 55  |
| MSP – C Barrack – 0089 | 40 | 67  | 48 | 79 | 2 | 236 |

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| <u>Collection Site</u>   | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <b><u>Total</u></b> |
|--------------------------|-------------|-------------|-------------|-------------|-------------|---------------------|
| MSP – D Barrack – 0090   | 0           | 1           | 0           | 1           | 0           | 2                   |
| MSP – E Barrack – 0091   | 1           | 0           | 0           | 0           | 0           | 1                   |
| MSP – H Barrack – 0094   | 0           | 2           | 0           | 0           | 0           | 2                   |
| MSP – I Barrack – 0095   | 0           | 6           | 0           | 6           | 0           | 12                  |
| MSP – J Barrack – 0096   | 1           | 15          | 11          | 16          | 3           | 46                  |
| MSP – L Barrack – 0098   | 1           | 0           | 1           | 0           | 0           | 2                   |
| MSP – P Barrack – 0101   | 1           | 0           | 0           | 0           | 0           | 1                   |
| MSP – Q Barrack – 0102   | 25          | 0           | 18          | 7           | 0           | 50                  |
| MSP – T Barrack – 0105   | 1           | 1           | 11          | 2           | 0           | 15                  |
| MSP – Denton – 0110      | 14          | 0           | 15          | 0           | 0           | 29                  |
| RICA-Baltimore – 0114    | 41          | 8           | 20          | 24          | 0           | 93                  |
| MSP – Garrett – 0115     | 25          | 2           | 1           | 1           | 0           | 29                  |
| RICA-Rockville – 0116    | 8           | 18          | 17          | 54          | 1           | 98                  |
| RICA-Southern MD – 0117  | 17          | 5           | 49          | 65          | 0           | 136                 |
| Medical Dir's Off – 0122 | 0           | 2           | 49          | 156         | 7           | 214                 |
| Aviation Admin – 0123    | 1           | 0           | 0           | 0           | 0           | 1                   |

|                          |     |     |     |     |   |      |
|--------------------------|-----|-----|-----|-----|---|------|
| Western Hiring – 0125    | 513 | 790 | 444 | 486 | 3 | 2236 |
| Div of Correction – 0126 | 13  | 95  | 222 | 355 | 0 | 685  |
| Education – 0127         | 9   | 1   | 0   | 0   | 0 | 10   |
| Elkton Armory – 0128     | 11  | 13  | 3   | 8   | 0 | 35   |
| Greenbrier – 0133        | 0   | 8   | 0   | 0   | 0 | 8    |
| Perkins Hosp – 0148      | 0   | 45  | 20  | 45  | 4 | 114  |

|                        |             |             |             |             |             |              |
|------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| <u>Collection Site</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <u>Total</u> |
| Juvenile Svcs – 0149   | 0           | 257         | 125         | 234         | 25          | 641          |
| Internal Invest – 0150 | 0           | 4           | 16          | 27          | 0           | 47           |
| MD Inst Emerg – 0151   | 0           | 15          | 4           | 3           | 0           | 22           |
| DLLR – 0152            | 1           | 0           | 1           | 0           | 0           | 2            |
| Military – 0153        | 29          | 29          | 0           | 0           | 29          | 87           |
| Crowns Vet Cem – 0154  | 0           | 5           | 0           | 1           | 0           | 6            |
| <b>Yearly Totals:</b>  | <b>3910</b> | <b>5787</b> | <b>5060</b> | <b>5525</b> | <b>530</b>  | <b>20812</b> |

**NOTE #1:** There are several collection sites (i.e., #0013, 0022, 0034, 0042, 0064, 0065, 0072, 0075, 0083, 0093, 0103, 0113, 0124 and 0143) for which no data was available because they were not used for any collections during the reported 5-year period.

**NOTE#2:** With regard to the frequency of collections in any given week, the numbers vary widely. Over the past year, collections have occurred as infrequently as once a week and as frequently as five times a week. The average is about 4 days each week. The number of collections on a given day also vary widely – some as low as one a day; some as high as 77 in one day and 144 in one week.